

# Exhibit 90

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RANDOM VENTURES, INC., KEVIN  
BRITTINGHAM, and LYNSEY THOMPSON,

Plaintiffs,

- against -

ADVANCED ARMAMENT CORP., LLC, and  
REMINGTON ARMS COMPANY, LLC,

Defendants.  
----- x

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:  
:  
: ECF Case

:  
: No. 12-CV-6792 (KBF)

:  
: **DECLARATION OF ERIC  
: BURT**

1.

I hereby authorize this, my sworn Declaration, to be submitted in connection with a cause of action that Kevin Brittingham (“Brittingham”), Random Ventures, Inc., (formerly known as Advanced Armament Corp.; “Random-AAC”), and Lynsey Thompson (collectively, “Plaintiffs”) filed against Advanced Armament Corp., LLC (“AAC”) and Remington Arms Company, LLC (“Remington”)(collectively, “Defendants”) in the United States District Court for the Southern District of New York, Civil Action Number 12-CV-6792 (the “Civil Action”).

2.

I am over twenty-one (21) years of age and am competent to testify to the matters contained herein. This Declaration is based upon my personal knowledge.

3.

I have no personal or professional interest in the outcome of the Civil Action. Brittingham has not offered me any money and/or favors in connection with the Civil Action.

4.

I am currently employed by Crye Precision LLC in Brooklyn, New York.

5.

Between October 13, 2010 and March 3, 2013, AAC employed me as a Research Engineer in its Research and Development ("R&D") Department.

6.

When I began my employment with AAC, the company maintained its operations in Lawrenceville, Georgia.

7.

It was customary and common for employees in the R&D Department to use various types of firearms located at AAC's former Norcross facility in the performance of their duties. For example, R&D employees used firearms as reference examples when designing new products, to perform a wide variety of testing (including, but not limited to, performance testing, sound testing, accuracy testing, sound comparisons), and to perform demonstrations off-site. In addition, another Research Engineer, Michael Smith, completed models or drawings of certain firearms for use in publications or in the design of new products. Accordingly, these firearms were a valuable asset to the R&D Department's ability to design and develop new products for the military and commercial markets and to fulfill AAC's military contracts.

8.

No one informed me which firearms were owned by AAC, or which firearms were still owned by Random-AAC or Brittingham. Nor was I ever informed of the FFL under which any particular firearm was registered. The employees in the R&D Department just used the firearms we needed to perform our jobs.

9.

If R&D employees needed a firearm for a project that we were working on and the

firearm was located in Norcross, an R&D employee (generally, Ethan Lesard or myself) would pick up the particular firearm at Norcross and bring it back to the Lawrenceville facility. The firearms used by R&D employees were either stored in the R&D Department or the Lawrenceville vault. They were not logged in and out of the Lawrenceville vault.

10.

No one told R&D employees which firearms were supposed to be at the Lawrenceville facility and which firearms were supposed to remain in Norcross nor did anyone advise R&D employees of the importance of this issue. In addition, no one told R&D employees which firearms had been transferred to AAC's Norcross FFL, which firearms had been transferred to AAC's Lawrenceville FFL, which firearms were supposed to be transferred to one of AAC's FFL but had not been, and which firearms were not included in the acquisition of Random-AAC. Nor did anyone advise R&D employees of the importance of these issues.

11.

I personally brought approximately 20% of the firearms used in the R&D Department from Norcross to Lawrenceville in 2011. Mr. Smith was less motivated to bring firearms over from Norcross to Lawrenceville for ongoing projects; however, I did observe him bring older firearms to Lawrenceville for use in modeling and sketching. I also observed Mr. Smith bring firearms in to the Lawrenceville facility for ongoing projects. These firearms were either kept in Norcross or at his home.

12.

Brittingham did not direct me to go to Norcross to pick up any firearms to use in R&D at Lawrenceville nor did I seek to obtain Brittingham's permission to do so.



13.

In February 2011, I attended a compliance training conducted by Mark Barnes.

14.

In 2011, I did not know how to log a firearm in to AAC's Bound Book which was maintained in AAC's DBA system nor did anyone teach me how to do so.

15.

I did not log any firearms that I brought from Norcross to Lawrenceville in to AAC's Bound Book.

16.

In 2011, Cory Weisnicht told me that the DBA system did not always sync up with AAC's Bound Book, resulting in inaccuracies and omissions from AAC's Bound Book. Mr. Weisnicht also told me that the Bound Book was disorganized.

17.

If someone walked around AAC's Lawrenceville facility on any given day in 2011, they could have found numerous firearms that employees in the R&D Department brought to the facility and did not enter in to AAC's Lawrenceville Bound Book, including, but not limited to, firearms that I brought to Lawrenceville.

18.

No one told me to log firearms brought over from Norcross in to AAC's Lawrenceville Bound Book. No one ever told me that R&D employees were doing anything wrong by bringing firearms from Norcross to Lawrenceville to use in the performance of their work nor did we hide what we were doing. No one at AAC assisted or guided us with respect to any rules concerning the movement of firearms from Norcross to Lawrenceville. Thus, we continued to do what we

needed to do to get our job done and no one gave us any problems about it.

19.

In the summer and fall of 2011, employees in the R&D Department were working long hours to complete demanding military contracts that required a significant amount of testing.

20.

During the fall of 2011, AAC's R&D Department worked on a variety of military contracts and commercial projects, including but not limited to:

- (1) the Family of Muzzle Brakes and Sound Suppressors military contract (the "FMBSS Contract") which required AAC to test every silencer manufactured on the machinegun on which it would be used;
- (2) a no-cost loan letter for the Army whereby the Army borrowed AAC's product to determine future contract specifications (the "Army Loan Letter");
- (3) a classified SOCOM contract for the Navy facility (the "Navy SOCOM Contract");
- (4) building firearms for preliminary trials of a classified solicitation from the Army to replace the MP5-SD (the "MP5-SD Replacement Solicitation") in August/September 2011;
- (5) the development of an integrally suppressed 0.22 pistol (the "Integral 0.22 Pistol Project");
- (6) the development of an integrally suppressed 0.22 rifle (the "Integral 0.22 Rifle Project");
- (7) exploring the development of a standard non-suppressed 9MM carry pistol (the "9MM Pistol Development");
- (8) the development of a silencer for a 9MM sub-machinegun requested by Mike Haugen in International Sales for Remington Defense (the "9MM SMG Project");
- (9) the development of a silencer to replace a customer's existing SureFire silencer (the "SR7 Project"); and
- (10) the modification of a Remington rifle to accept an AR-15 magazine (the "AR-15 Project").

The R&D Department used numerous firearms from Norcross to complete these and other projects and contracts.

21.

Exhibit A attached to this Declaration sets forth a list of firearms that AAC's R&D Department used to complete projects and contracts in 2011, including, but not limited to, the projects and contracts set forth in Paragraph 20 above. Exhibit A also details the firearms I brought from Norcross to Lawrenceville, including firearms that I took back and forth between Norcross and Lawrenceville and firearms that I left in Lawrenceville. This list is not all-inclusive.

22.


I do not know what John Stevens did at AAC. I was never asked any questions by Mark Barnes, Mr. Stevens, or Knox Williams about the presence of any firearms at AAC's Lawrenceville facility. No one ever asked me why certain firearms were at the facility, why I brought them there, or how long I kept them there.

23.

In 2011, I never saw Brittingham bring any of the firearms listed on the attached Exhibit A into AAC's Lawrenceville facility.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
is true and correct.

Executed this 30<sup>th</sup> day of April, 2013.

  
Eric Buft



**EXHIBIT A**

Capitalized terms used in this Exhibit A shall be defined as set forth in the Declaration of Eric Burt (the "Burt Declaration") to which this Exhibit is attached and incorporated by reference.

	<b>Serial Number</b>	<b>Mfr</b>	<b>Model</b>	<b>Type</b>	<b>Caliber</b>	<b>Comments</b>
1.	SAW003	AAC	SAW	Machinegun		The R&D Department used this firearm in Lawrenceville for testing for the FMBSS Contract, the Navy SOCOM Contract, and the Army Loan Letter.
2.	S3710	Sterling		Machinegun	9MM	R&D employees used this firearm in Lawrenceville as a design reference for the 9MM SMG Project.
3.	HT006563	Colt	9MM AR	Sub Machinegun	9MM	R&D employees used this firearm in Lawrenceville as a prototype for the 9MM SMG Project.
4.	S96727	HK	MP5-SD	Machinegun	9MM	I and other R&D employees used this firearm for testing all the time (at least once per week, more than any other firearm), including, but not limited to, testing for the 9MM SMG Project and the MP5-SD Replacement Solicitation.
5.	773732	Sako		Rifle	0.22	I brought this firearm to the Lawrenceville facility for testing for the Integral 0.22 Rifle Project.
6.	K11145	Knights Armament	SR25	Rifle	.308	R&D employees used this firearm in Lawrenceville for comparative testing for the Navy SOCOM Contract and the SR7 Project.
7.	LMT33068	LMT		AR Lower	5.56	I and other R&D employees frequently used this firearm for testing for almost all of the contracts and projects set forth in Paragraph 20 of the Burt

						Declaration, including, but not limited to, the FMBSS Contract and the MP5-SD Replacement Solicitation. For this reason, this firearm was left in Lawrenceville.
8.	A0106420	Colt		Carbine Machinegun	5.56	I and other R&D employees frequently used this firearm for testing for almost all of the contracts and projects set forth in Paragraph 20 of the Burt Declaration, including, but not limited to, the FMBSS Contract.
9.	G6385047	Remington		Rifle	0.308	R&D employees used this firearm in Lawrenceville to work on the AR-15 Project.
10.	225-93551	Ruger		Pistol (Mark II)	0.22	I brought this firearm to the Lawrenceville facility in the fall of 2011 to use for sound measurements for the Integral 0.22 Pistol Project.
11.	L078778	Bushmaster		AR Lower	5.56	I and other R&D employees frequently used this firearm for testing (on a daily basis) for many of the contracts and projects set forth in Paragraph 20 of the Burt Declaration, including, but not limited to, the FMBSS Contract and the 9MM SMG Project. Therefore, a lot of these types of firearms were kept in the R&D Department in Lawrenceville.
12.	386197410	FN	5.7	Pistol		I and other R&D employees also used this firearm frequently for testing multiple types of AAC silencers.
13.	126 048	H&K	P9S	Pistol	9MM	R&D employees used this firearm to test sound levels of a 9MM silencer without a recoil booster. It was very useful to test silencers because it works differently than other pistols.
14.	182242	HI Standard		Pistol		This firearm was the Lawrenceville facility when

						I started my employment in October 2010. I used this firearm for the Integral 0.22 Pistol Project.
15.	FN93932	FN Herstal	MAG 58	Machinegun		I and other R&D employees used this firearm in Lawrenceville in the spring, summer, and fall 2011 for testing for the FMBSS Contract, the Army Loan Letter, and the Navy SOCOM contract. The R&D Department also used this firearm to conduct demonstrations.
16.	20190	Knights Armament		Rifle	0.308	R&D employees used this firearm in Lawrenceville in summer and fall of 2011 for the SR7 Project.
17.	164-002718	H&K		Machinegun	4.6MM	R&D employees used this firearm in Lawrenceville to build prototypes for the MP5-SD Replacement Solicitation.
18.	88-002207	H&K	416	Machinegun		I and other R&D employees used this firearm in Lawrenceville in summer/fall of 2011 for testing for almost all of the contracts and projects set forth in Paragraph 20 of the Burt Declaration, including, but not limited to, the FMBSS Contract.
19.	AVR-1047	AAC		Silencer	9MM	R&D employees used this AAC-manufactured silencer for the 9MM SMG Project.
20.	TS-05031	Tactical Solutions		Pistol	0.22	I brought this firearm to the Lawrenceville facility for testing for the Integral 0.22 Pistol Project.
21.	252-95554 and integral silencer (serial # 1022-074)	Ruger		Rifle	0.22	I brought several of this model firearm to the Lawrenceville facility for testing for the Integral 0.22 Rifle Project.



22.	88-001692	H&K	416	Machinegun	5.56	I and other R&D employees used this firearm in Lawrenceville in the summer and fall of 2011 for testing for almost all of the contracts and projects set forth in Paragraph 20 of the Burt Declaration, including, but not limited to, the FMBSS Contract.
23.	E01992	Noveske		AR Lower	5.56	This firearm was at the Lawrenceville facility when I started my employment in October 2010.
24.	NV2157	FN	MK 46	Machinegun	5.56	R&D employees used this firearm in Lawrenceville for development and testing for the FMBSS Contract, the Army Loan Letter, and the Navy SOCOM Contract. R&D employees also used this firearm to conduct demonstrations.